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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,858	11/16/2001	Yoshinori Nakamura	FUJS 14.330A	1241
26304	7590	06/28/2006	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			NGUYEN, PHUONGCHAU BA	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/989,858	NAKAMURA ET AL.	
	Examiner	Art Unit	
	Phuongchau Ba Nguyen	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4-17-6.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 08/880,723.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections – 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 18–23 are rejected under 35 U.S.C. 102(e) as being anticipated by Suh (5,710,774).

Regarding claim 18,

Suh (5,710,774) discloses a frame synchronous pattern detection apparatus, for detecting an actual frame synchronous pattern which is a part of a frame synchronous pattern and is essential to execute frame synchronizing, comprising:

- a) a provisional region detection section (selecting circuit 60, fig.1);
- b) a frame synchronous pattern detecting section (synchronizing pattern detecting circuit 90, fig.1)

said provisional–region detection section being for sampling, from parallel data according to a synchronous digital hierarchy (SDH) transmission system, a part of the parallel data in which said actual frame synchronous pattern is presumably included, said part of the parallel data being identified as provisional region data and for serializing and outputting the provisional region

data in serial form to said frame synchronous pattern detecting section (col.3, line 65–col.4, line 1),

said frame synchronous pattern detecting section, communicatively connected with said provisional–region detection section, for detecting said actual frame synchronous pattern from the inputted provisional region data (col.4, lines 4–29).

Regarding claim 19,

Suh discloses a frame synchronous pattern detection apparatus for detecting an actual frame synchronous pattern which is a part of a frame synchronous pattern and is essential to execute frame synchronizing, comprising:

- a) a provisional–region detection section (selecting circuit 60, fig.1); and
- b) a frame synchronous pattern detecting section (synchronizing pattern detecting circuit 90, fig.1),

said provisional-region detection section being for sampling, from given data, a part of parallel data in which said actual frame synchronous pattern is presumably included, said part of the parallel data being identified as provisional region data, and for serializing and outputting the provisional region data to said frame synchronous pattern detecting section (col.3, line 65–col.4, line 1),

said frame synchronous pattern detecting section, communicatively connected with said provisional-region detection section, for detecting said actual frame synchronous pattern from the inputted provisional region data (col.4, lines 4–29).

Regarding claim 20,

Suh discloses a frame pattern detection method, for detecting an actual frame synchronous pattern which is a part of a frame synchronous pattern and is essential to execute frame synchronizing, said method comprising the steps of:

sampling, from given parallel data, a part in which said actual frame synchronous pattern is presumably included, said part of the parallel data being identified as provisional region data (selecting circuit 60-fig.1, col.3, line 65-col.4, line 1); and

detecting said actual frame synchronous pattern from said sampled provisional region data converted into serial form (synchronizing pattern detecting circuit 90-fig.1, col.4, lines 4-29).

Regarding claim 21,

Suh discloses a frame synchronous pattern detection apparatus comprising:

a) a provisional-region detection section for sampling, from parallel data according to a synchronous digital hierarchy (SDH) transmission system, a part of the parallel data in which an object frame synchronous pattern is presumably included, said part of the parallel data being identified as provisional region data (selecting circuit 60-fig.1, col.3, line 65-col.4, line 1); and

b) a frame synchronous pattern detecting section for detecting, from said provisional region data, the object frame synchronous pattern (synchronizing pattern detecting circuit 90-fig.1, col.4, lines 4-29),

said provisional region data being serialized and output from said provisional region detection section to said frame synchronous pattern detecting section (col.4, lines 23-29).

Regarding claim 22,

Suh discloses a frame synchronous pattern detection apparatus comprising:

a) a provisional-region detection section for sampling, from given data, a part of parallel data in which an object frame synchronous pattern is presumably included, said part of the parallel data being identified as provisional region data (selecting circuit 60-fig.1, col.3, line 65-col.4, line 1);
and

b) a frame synchronous pattern detecting section for detecting, from said provisional region data, the object frame synchronous pattern (synchronizing pattern detecting circuit 90-fig.1, col.4, lines 4-29),

said provisional region data being serialized and output from said provisional-region detection section to said frame synchronous pattern detecting section (col.4, lines 23-29).

Regarding claim 23,

Suh discloses a frame synchronous pattern detection method comprising the steps of:

sampling, from a given parallel data, a part in which an object frame synchronous pattern is presumably included, said part of the parallel data being identified as provisional region data (selecting circuit 60-fig.1, col.3, line 65-col.4, line 1); and

detecting the object frame synchronous pattern using said sampled provisional region data converted into serial form (synchronizing pattern detecting circuit, col.4, lines 4-29).

Response to Arguments

5. Applicant's arguments filed 4-17-6 have been fully considered but they are not persuasive.

A/. Applicant argued that Suh fails to disclose sampling a part of parallel data, which is identified as provisional region data, serializing this part of parallel data so identified ("serializing" or "converting" this part of parallel data "to serial form"), and outputting the serialized data to a frame synchronous pattern detecting section.

In reply, applicant is directed to figure 2A wherein the X1 and X2 is a part of parallel data (S1-S8), the X1 and X2 being serialized and output in a serial form by the selecting circuit 60 to a frame synchronous pattern detecting section 90.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Phuongchau Ba Nguyen** whose

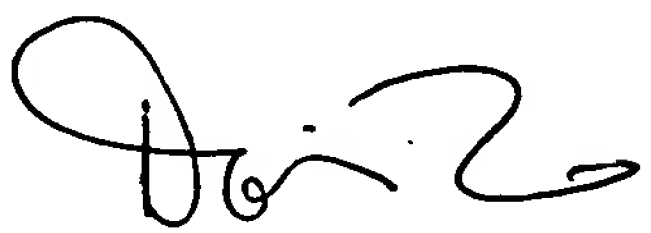
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telephone number is 571-272-3148. The examiner can normally be reached on Monday-Friday from 10:00 a.m. to 2:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571-272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Phuongchau Ba Nguyen
Examiner
Art Unit 2616


DORIS H. TO
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